

REMARKS

Reconsideration is requested.

Claims 25-32 have been canceled, without prejudice, to advance prosecution.

Claims 13-24 are pending.

To the extent not obviated by the above amendments, the Section 112, first paragraph, rejection of claims 13-20 and 25-32, is traversed. Reconsideration and withdrawal of the rejection are requested in view of the above and the following remarks.

The claims have been amended to delete the recitation of prevention, to advance prosecution. The applicants believe this previous recitation was the basis of the Examiner's rejection such that the above amendments are believed to obviate the rejection. The Examiner's comment regarding the prevention of hair loss on page 4 of the Office Action dated September 19, 2002 (Paper No. 8) is not understood and clarification is requested in the event any rejection based on the same is maintained.

The Section 112, second paragraph, rejection of claims 13, 21, 22, 23 and 25 is at least partially obviated by the above amendments. Reconsideration and withdrawal of the rejection are requested in view of the following further remarks.

The claims have been amended to delete the phrases objected-to on page 4, ¶¶(i)-(ii) of Paper No. 8. The objection in ¶(iii) however on page 4 of Paper No. 8 is not understood as claim 23 does not require or recite admixing, as suggested by the Examiner. Clarification is requested in the event any rejection or objection is maintained or asserted based on the Examiner's comment.

In re Application of: LEREBOUR et al.

Serial No. 09/782,520

The Section 102 rejection of claim 22 over McCuaig (U.S. Patent No. 5,662,937) is obviated by the above, which has amended claim 22 to be indirectly dependent from claim 13, which the Examiner has found to be patentable over McCuaig. Withdrawal of the Section 102 rejection of claim 22 over McCuaig is requested.

The Section 102 rejection of claim 22 over Averill (U.S. Patent No. 5,882,666) is obviated by the above, which has amended claim 22 to be indirectly dependent from claim 13, which the Examiner has found to be patentable over Averill. Withdrawal of the Section 102 rejection of claim 22 over Averill is requested.

The Section 102 rejection of claim 13-17, 20-22, 25-29 and 32 over Wright (U.S. Patent No. 5,547,677) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

The applicants submit that Wright discloses the use of a composition to inactivate pathogenic microorganisms. As described in the specification, this emulsion has antimicrobial activity. The method disclosed in this document refers to the use of this emulsion for its significant microbicidal activity against a wide variety of microbia and yeasts. The presently claimed invention provides a method of reducing the adhesion of microorganisms to the surface of skin and/or the mucous membranes however. There is no literal or inherent teaching of the presently claimed invention in Wright.

Withdrawal of the Section 102 rejection over Wright is requested.

The Section 102 rejection of claims 13-22 over Harbeck (2001/0001666) is traversed. Reconsideration and withdrawal of the rejection are requested.

Initially, the applicants note that the published Herbeck reference was filed January 31, 2001, i.e., after the U.S. filing date of the present application. The

In re Application of: LEREBOUR et al.

Serial No. 09/782,520

Examiner has apparently relied on the parent (February 11, 1999) filing of Application No. 09/248,573 however the cited reference is a continuation-in-part of the parent application and the Examiner has not demonstrated that the passages relied upon in the cited document were contained in the parent application. The applicants submit that the parent application (i.e., Application No. 09/248,573) should be readily available to the Examiner and the Examiner is requested to supply a copy of the same in the event any rejection based on Herbeck is maintained. The evidence of record however does not establish a *prima facie* case of unpatentability. Withdrawal of the Section 102 rejection of claims 13-22 over Herbeck is requested.

While not thought to be required, the applicants note, for completeness, that Herbeck discloses an antimicrobial composition (i.e., containing tincture of benzoin) which is not required by the presently claimed method. Herbeck fails to literally or inherently teach the presently claimed method. Withdrawal of the Section 102 rejection of claims 13-22 over Herbeck is requested.

The Section 102 rejection of claims 22-24 over JP 05186328 is traversed.

Reconsideration and withdrawal of the rejection are requested as the document, while possibly disclosing the compositions noted by the Examiner, does not literally or inherently disclose a method of claims 22-24 (i.e., a method to reduce the adhesion of microorganisms on the surface of the skin).

The Section 103 rejection of claims 13-23 over Wright in view of Herbeck is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

In re Application of: LEREBOUR et al.
Serial No. 09/782,520

As noted above, neither Wright nor Herbeck teach the presently claimed method.

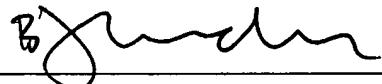
Neither reference suggests the presently claimed method. Wright fails to teach the presence of the fatty substance in a composition for use in a method of the presently claimed invention. Herbeck discloses antimicrobial compositions which would not have motivated one of ordinary skill in the art to have altered Wright to make the presently claimed method. Withdrawal of the Section 103 rejection is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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MARKED-UP COPY OF AMENDED CLAIMS

IN THE CLAIMS:

Amend the claims as follows:

Cancel claims 25-32, without prejudice.

13. (Amended) A method of [modifying the physicochemical properties of the surface of the skin and/or of the mucous membranes so as to prevent or reduce] reducing the adhesion of microorganisms to the [latter,] surface of the skin and/or the mucous membranes, said method comprising contacting a composition with said skin and/or mucous membranes, said composition comprising, as an active ingredient, in a cosmetic composition or pharmaceutical composition, an [modifying] effective quantity of at least one fatty substance free of carbohydrate units, having a melting point of less than 35°C and having an interfacial tension of between 6 and 27 mN/m.

21. (Amended) A method [of] according to claim 13 for the cosmetic treatment [for treating disorders linked to the adhesion of microorganisms comprising applying to] of the skin and/or the mucous membranes [a cosmetic composition comprising at least one fatty substance free of carbohydrate units, having a melting point of less than 35° C and having an interfacial tension of between 6 and 27 mN/m, in a cosmetically acceptable medium].

22. (Amended) A cosmetic method according to claim 21 comprising topical application of at least one fatty substance free of carbohydrate units, having a melting point of less than 35° C and having an interfacial tension of between 6 and 27 mN/m as

active ingredient in a cosmetic composition intended to reduce [bad] body odours and/or intended for body hygiene health care.

23. (Amended) A cosmetic method according to claim 21 comprising topical application of at least one fatty substance free of carbohydrate units, having a melting point of less than 35° C and having an interfacial tension of between 6 and 27 mN/m as active ingredient in a cosmetic composition intended to combat comedones and/or dandruff.

24. (Amended) A method [of preparing a] according to claim 13 for the pharmaceutical treatment of the skin and/or the mucous membranes [composition intended to be used by topical application] to combat mycosis and/or acne [comprising admixing at least one fatty substance free of carbohydrate units, having a melting point of less than 35° C and having an interfacial tension of between 6 and 27 mN/m as active ingredient with said composition].